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#9

In re Application of :
Kathleen Rodgers et al :
Serial No.: 09/658,315 : PETITION DECISION
Filed: September 8, 2000 :
Attorney Docket No.: 98009-B1 :

This is in response to the petition under 37 CFR 1.181, filed September 11, 2003, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed an Office action to applicants on November 15, 2002, setting a three month shortened statutory period for reply. Upon failure to receive a reply the examiner mailed a Notice of Abandonment to applicants on July 1, 2003. Applicants state that a reply was filed February 10, 2003, and provide an Office date stamped postcard evidencing receipt of the reply by the Office. Applicants provide a copy of the reply with the petition which will be entered in the file. In view of the evidence presented the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 703-272-0519 or by facsimile sent to the general Office facsimile number.


Bruce M. Kisliuk

Director, Technology Center 1600